

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS )  
OF NORTHERN ILLINOIS PENSION FUND )  
AND WELFARE FUNDS, )  
Plaintiff, ) FILED MAY 20, 2008  
v. ) No. 08CV2911 J. N.  
SCOTT ROGERS, Individually and d/b/a ) JUDGE HOLDERMAN  
ROGERS HAULING, LLC ) MAG. JUDGE COLE  
Defendant. )

**COMPLAINT**

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, as follows:

**COUNT I**

**JURISDICTION AND VENUE**

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.
- (b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Fund as described in Paragraph 2, is administered.

**PARTIES**

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreement previously entered into between the International Brotherhood of Teamsters and its affiliated locals ("the Union") and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. Scott Rogers conducted business as and held himself out to the public as Rogers Hauling, LLC and signed contracts under that name. The records of the Illinois Secretary of State indicate no such corporation or limited liability corporation were ever formed (see attached Exhibit A)

4. (a) SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, employs persons represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) ROGERS HAULING, LLC, has its principal place of business at Cortland, Illinois.

(c) SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, is an employer engaged in an industry affecting commerce.

5. SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, entered into a collective bargaining agreement for the period April 2, 2007 through May 31, 2010 (Exhibit B) which requires contributions to the Funds pursuant to 29 U.S.C. 1145.

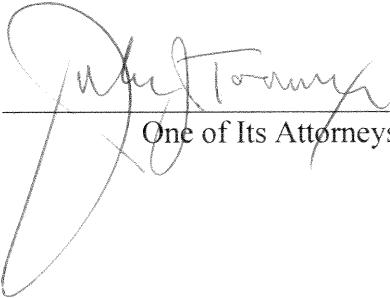
6. Pursuant to the collective bargaining agreement between SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, and the Union, ROGERS HAULING, LLC, has failed and continues to fail to make its obligated contributions to the Fund for the period May, 2007 through December, 2007, as disclosed in an audit which took place on February 13, 2008.

7. The audit disclosed \$802.30 due the Pension Fund and \$1,604.20 due the Welfare Fund for a total of \$2,406.50.

WHEREFORE, Plaintiffs pray:

- A. This court enter judgment in favor of the Plaintiffs and against SCOTT ROGERS, Individually and d/b/a ROGERS HAULING, LLC, in the amount of the audit, \$2,406.50.
- B. That this court award the plaintiffs their attorneys' fees, costs, interest, and liquidated damages pursuant to 29 U.S.C. 1132(g)(2) and the relevant collective bargaining agreements and trust agreements.
- C. That the Court grant such further relief as is proper.

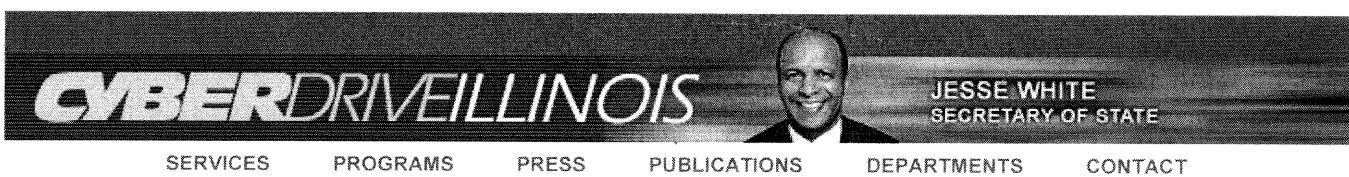
TRUSTEES OF THE SUBURBAN TEAMSTERS  
OF NORTHERN ILLINOIS WELFARE AND  
PENSION FUNDS

By: 

One of Its Attorneys

John J. Toomey  
ARNOLD AND KADJAN  
19 West Jackson Boulevard  
Chicago, Illinois 60604  
(312) 236-0415

**EXHIBIT A**



## CORP/LLC - CERTIFICATE OF GOOD STANDING

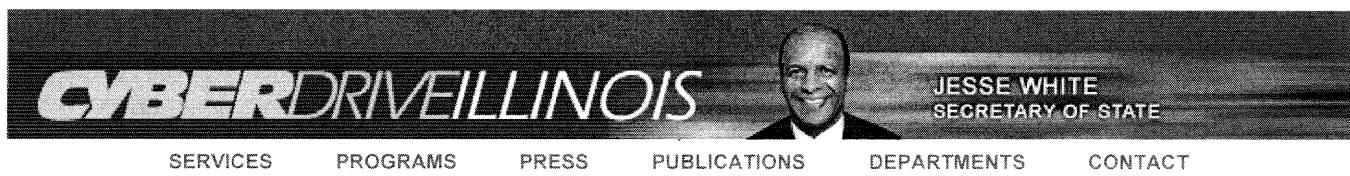
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## CORP/LLC - CERTIFICATE OF GOOD STANDING

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**EXHIBIT B**

ROGERS HAULING LLC  
4214 PRAIRIEFIELD DRIVE  
CORTLAND, IL. 60112

THE  
AREA WIDE MATERIAL HAULING AGREEMENT

BETWEEN  
TEAMSTERS LOCAL 673

EFFECTIVE APRIL 2, 2007 THROUGH MAY 31, 2010

Received  
OCT 26 2007

Pension Fund Office

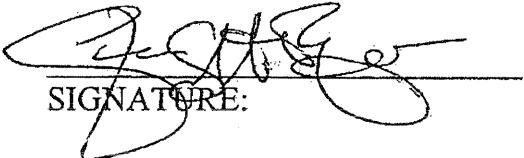
ORIGINAL



IN WITNESS WHEREOF THE PARTIES HAVE HEREUNTO SET THEIR HANDS  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,

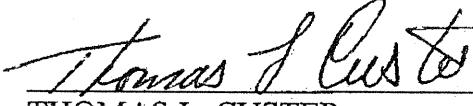
**FOR THE EMPLOYER:**

ROGERS HAULING LLC  
4214 PRAIRIEFIELD DRIVE  
CORTLAND, IL. 60112

  
SIGNATURE:

**FOR THE UNION:**

TEAMSTERS LOCAL 673  
1050 W. ROOSEVELT RD.  
WEST CHICAGO, IL 60185  
(630) 231-6660

  
THOMAS L. CUSTER  
SECRETARY-TREASURER  
& BUSINESS MANAGER

updated 6-1-06 wp ds